

# Order

Michigan Supreme Court  
Lansing, Michigan

September 12, 2006

Clifford W. Taylor,  
Chief Justice

ADM File No. 2004-42

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

Amendment of Rule 8.110  
of the Michigan Court Rules

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On order of the Court, the need for immediate action having been found, the notice requirements of MCR 1.201 are dispensed with and the following amendment of Rule 8.110 of the Michigan Court Rules is adopted, effective immediately. Public comments on this amendment, however, may be submitted to the Supreme Court Clerk in writing or electronically until January 1, 2007, at: P.O. Box 30052, Lansing, MI 48909, or [MSC\\_clerk@courts.mi.gov](mailto:MSC_clerk@courts.mi.gov). This amendment will then be considered at a future public hearing following the comment deadline.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

Rule 8.110 Chief Judge Rule

(A)-(B)[Unchanged.]

(C) Duties and Powers of Chief Judge.

(1)-(4)[Unchanged.]

(5) The chief judge of the court in which criminal proceedings are pending shall have filed with the state court administrator a ~~monthly~~quarterly report listing setting forth the reasons for the delay in the proceedings following cases in a format prescribed by the state court administrator:

- (a) ~~in~~ felony cases in which there has been a delay of more than ~~154~~301 days between the order binding the defendant over to circuit court and adjudication;
- (b) ~~in~~ misdemeanor cases and cases involving local ordinance violations that have criminal penalties in which there has been a delay of more

than ~~94~~126 days between the date of the defendant's first appearance on the warrant and complaint or citation and adjudication.

- (c) In computing the ~~94~~126-day and ~~154~~301-day periods, the court shall exclude periods of delay
- (1) between the time a preadjudication warrant is issued and a defendant is arraigned;
  - (2) between the time a defendant is referred for evaluation to determine whether he or she is competent to stand trial and the receipt of the report; or
  - (3) during the time a defendant is deemed incompetent to stand trial.

(6)-(7)[Unchanged.]

(D) [Unchanged.]

Staff Comment: The amendments modify the reporting requirements for the Delay in Criminal Proceedings Report to reflect the 100 percent disposition periods incorporated in Administrative Order No. 2003-7, to make the reporting quarterly instead of monthly, and to eliminate the need to give a reason for delay.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 12, 2006

*Corbin R. Davis*

Clerk